

AMENDED IN SENATE JULY 3, 2003
AMENDED IN ASSEMBLY MARCH 12, 2003
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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 213

Introduced by Assembly Member Leslie

January 29, 2003

An act to add Section 9951 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 213, as amended, Leslie. Vehicles: manufacturers: disclosure.

Existing law sets forth various provisions governing vehicle manufacturers. Those provisions include the requirement that manufacturers disclose in the owner's manual, or other written material, as specified, of a new motor vehicle sold in this state, the fact that the vehicle, as equipped, may not be operated with tire chains.

This bill would require a manufacturer of a new motor vehicle sold or leased in this state, ~~which~~ *that* is equipped with one or more recording devices, commonly referred to as "event data ~~recorders~~ *recorders*" (EDR)" or "sensing and diagnostic ~~modules~~ *modules*" (SDM)," to disclose that fact in the owner's manual for the vehicle. *The bill would declare that specified data that is recorded on an SDM or EDR is the sole property of the registered owner of the vehicle and would prohibit that data from being downloaded or otherwise retrieved by any other person, except under specified circumstances.* The bill would also require a subscription service agreement or manual for that service to

disclose that specified information may be recorded or transmitted as part of the subscription service.

The bill would provide that it applies to all motor vehicles manufactured on or after July 1, 2004.

Because a violation of the Vehicle Code is an infraction, the bill would create a new ~~infraction~~ *infractions*, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9951 is added to the Vehicle Code, to
2 read:

3 9951. (a) A manufacturer of a new motor vehicle sold or
4 leased in this state, which is equipped with one or more recording
5 devices commonly referred to as “event data recorders (EDR)” or
6 “sensing and diagnostic modules (SDM),” shall disclose that fact
7 in the owner’s manual for the vehicle.

8 (b) As used in this section, “recording devices” means a device
9 that *is installed by the manufacturer of the vehicle and* does one
10 or more of the following, ~~so that data may be retrieved for the~~
11 *purpose of retrieving data* after an accident:

12 (1) Records how fast and in which direction the motor vehicle
13 is traveling.

14 (2) Records a history of where the motor vehicle travels.

15 (3) Records steering performance.

16 (4) Records brake performance, including, but not limited to,
17 whether brakes were applied before an accident.

18 (5) Records the driver’s seatbelt status.

19 (6) Has the ability to transmit information concerning an
20 accident in which the motor vehicle has been involved to a central
21 communications system at the moment the accident occurs.

(c) Data described in subdivision (b) that is recorded on an SDM or EDR is the sole property of the registered owner of the motor vehicle and may not be downloaded or otherwise retrieved by any other person, except under one of the following circumstances:

(1) The registered owner of the motor vehicle consents to the retrieval of the information.

(2) The data is retrieved pursuant to a court order requiring the retrieval.

(3) The data is retrieved by the motor vehicle manufacturer for the purpose of improving motor vehicle safety and the identity of the registered owner is not disclosed by the manufacturer in connection with that retrieved data. The disclosure of the vehicle identification number (VIN) for the purposes of improving vehicle safety does not constitute the disclosure of the identity of the registered owner.

(4) The data is retrieved by a licensed new motor vehicle dealer or automotive technician, as defined in Section 9880.1 of the Business and Professions Code, for the purposes of repairing the motor vehicle.

(d) (1) If a motor vehicle is equipped with an SDM or EDR that is capable of recording or transmitting information as described in paragraph (2) or (6) of subdivision (b) and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed either in the subscription service agreement or in the manual for the service.

~~(d)~~

(2) Subdivision (c) does not apply to subscription services meeting the requirements of paragraph (1).

(e) This section applies to all motor vehicles manufactured on or after July 1, 2004.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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